

REMARKS

In the application claims 49-72 remain pending. Certain of the claims have been amended to clarify what the Applicant regards as the invention. Support for the amendments may be found in the specification and figures as originally filed and, as such, no new matter has been added.

The Applicant would like to thank the Examiner for the courtesies extended during an interview conducted on March 28, 2005 wherein the rejections of the claims under 35 U.S.C § 102 as being anticipated by U.S. Patent No. 6,040,829 (“Croy”) and the rejection of the claims under 35 U.S.C. § 103 as being rendered obvious over Croy in further view of U.S. Patent No 6,289,165 (“Abecassis”) were generally discussed.

During the interview, the Applicant asserted that Croy fails to disclose, teach, or suggest monitoring activations of the keys and automatically storing a sequence of activations of the keys including the navigation keys while the keys are being concurrently activated to transmit command codes to navigate the menu of the digital media.

Croy discloses entering a programming mode whereafter key activations may be monitored and stored to allow a user to navigate a locally stored menu, i.e., a menu that is displayed on the personal navigator itself. When navigating the locally stored menu, the key activations simply do not function to transmit command codes to a consumer appliance. More particularly, Column 18, lines 33-67 cited to in the rejection of the claims, describes a system that accepts explicit user input to initiate a special programming mode (e.g., selecting the “save” function from a menu as illustrated in Fig. 38) whereupon the user may enter a sequence of user interactions by interacting with the

locally displayed menu. (Col. 18, line 49 – Col. 19, line 1 and Figs. 39, 40 and 41). Croy does not mention nor does Croy infer that commands are transmitted from the remote control to a controlled device while the user is interacting with the locally displayed menu in this programming mode. Once the sequence is complete, the user assigns a name to the sequence (Col. 19, lines 2-7 and Fig. 42) whereby that sequence can be recalled by selecting a “recall” function and the name of the sequence to be executed (Col. 19, lines 11-16) which, upon execution, causes a program listing to be displayed locally on the remote control (as illustrated in Fig. 46) in accordance with the programmed sequence. Thus, for the reason that Croy fails to disclose, teach, or suggest monitoring activations of the keys and automatically storing a sequence of activations of the keys including the navigation keys while the keys are being concurrently activated to transmit command codes to navigate the menu of the digital media, the Applicant requested that the rejection of the claims be withdrawn.

With regard to certain of the dependent claims, the Applicant takes this opportunity to again assert that the disclosure by Croy of a “delete” key that “allows removal of the marked program from the list” cannot be said to disclose, teach, or suggest the claimed “removing activations of non-navigation keys from the stored sequence” as is set forth in claims 50, 53, and 63. In this regard, the Applicant respectfully questions how a “marked program” *in a locally displayed menu* can be said to correspond to a “non-navigation key” which is activated as part of a sequence *used to transmit command codes* to a consumer electronic device for the purpose of navigating a digital media on that consumer electronic device. Since Croy cannot be said to disclose at least the

aforementioned claim elements of claims 50, 53, and 63, it is submitted that these claims must be deemed to be allowable.

The Applicant additionally takes this opportunity to question how the voice response subsystem of Abecassis which accommodates commands such as play, stop, and pause can be said to correspond to the claimed means for storing inter-pause key times, i.e., the time between actuations of keys in a sequence. More specifically, the Applicant respectfully submits that a voice response subsystem functions, by definition, to use voice input for the purpose of *eliminating* the actuation of keys and, therefore, inter-key pause times could never even arise for the simple reason that keys are never actuated. Therefore, for the simple reason that Abecassis cannot be said to disclose at least the aforementioned claim elements of claims 51, 54, and 64, it is submitted that these claims must be deemed allowable.

With respect to the rejection of claims 73-75, it is respectfully submitted that this rejection must be withdrawn since Croy fails to disclose the claimed “programming...for receiving data from the player used to define navigation commands that are transmittable to the player for controlling navigation within the menu system [of the media player] and for storing a sequence of the navigation command for subsequent transmission to the player.” While Croy may disclose at Col. 4, lines 15-19 that “the transmission of data can be one-way or two way” and may disclose at Col. 10, lines 53-63 that a *locally displayed menu* is navigable in response to activation of a key, it is respectfully noted that the cited passages never expressly or inferentially describe receiving data *from the player used to define navigation commands that are transmittable to the player for controlling navigation within the menu system* of the player and for storing a sequence of the

navigation commands for subsequent transmission to the player as is claimed. Therefore, since Croy fails to disclose, teach, or suggest at least these claimed elements, the rejection of claims 73-75 based upon Croy must be removed.

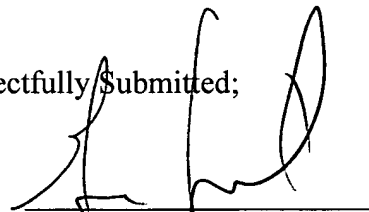
Conclusion

It is respectfully submitted that the application is in good and proper form for allowance. Such action on the part of the Office is respectfully requested.

Date: March 29, 2005

Respectfully Submitted;

By:

A handwritten signature in black ink, appearing to read 'Gary R. Jarosik', written over a horizontal line.

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